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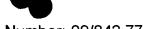


UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/842,775	04/27/2001	Hirotsugu Fukuoka	YMOR:039C	3836 NER	
7	7590 12/28/2001				
	PARKHURST & WENDEL, L.L.P.		EXAMINER		
1421 Prince Street, Suite 210 Alexandria, VA 22314-2805			VRABLIK, JOHN J		
			ART UNIT	PAPER NUMBER	
			3748	10	
			DATE MAILED: 12/28/2001	, 0	

Please find below and/or attached an Office communication concerning this application or proceeding.

• •	_		_		M	
¥.	1	Application No		Applicant(s)		
		09/842,775		FUKUOKA, HIROTSUGU		
Office Action Summary		Examiner		Art Unit		
		John J. Vrablik		3748		
Peri	The MAILING DATE of this communication appod for Reply	ears on the cove	er sheet with the c	orrespondence ad	ldress	
-	A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, how y within the statutory m vill apply and will expire , cause the application	vever, may a reply be tin inimum of thirty (30) day s SIX (6) MONTHS from to become ABANDONE	nely filed s will be considered time the mailing date of this o D (35 U.S.C. § 133).		
	Responsive to communication(s) filed on <u>13 L</u>	December 2001	-			
2	a)⊠ This action is FINAL . 2b)□ Th	is action is non-	final.			
;	Since this application is in condition for allowated closed in accordance with the practice under				ne merits is	
Disp	osition of Claims					
4	A) \boxtimes Claim(s) 3.6-14 and 16-18 is/are pending in the	ne application.				
	4a) Of the above claim(s) 3,8-14 and 16 is/are	withdrawn from	consideration.			
;	5) Claim(s) is/are allowed.					
(6)⊠ Claim(s) <u>6,7,17 and 18</u> is/are rejected.					
•	7) Claim(s) is/are objected to.					
;	B) ☐ Claim(s) are subject to restriction and/o	r election require	ement.			
Арр	lication Papers					
,	$\Theta)$ The specification is objected to by the Examine	۲.				
10	D) $igotimes$ The drawing(s) filed on 27 April 2001 is/are: a)[☐ accepted or b)[objected to by t	he Examiner.		
	Applicant may not request that any objection to the	e drawing(s) be he	eld in abeyance. S	ee 37 CFR 1.85(a).		
1	I) The proposed drawing correction filed on	_ is: a)∏ approv	red b)□ disappro	oved by the Examir	ner.	
	If approved, corrected drawings are required in rep	ply to this Office a	ction.			
12	\mathbb{P} The oath or declaration is objected to by the Ex	aminer.				
Prio	rity under 35 U.S.C. §§ 119 and 120					
13	(3) Acknowledgment is made of a claim for foreign	n priority under 3	5 U.S.C. § 119(a	ı)-(d) or (f).		
	a)⊠ All b)□ Some * c)□ None of:					
	1. Certified copies of the priority documents	s have been rec	eived.			
	2. Certified copies of the priority document	s have been rec	eived in Applicati	on No. <u>08/802,53</u>	<u>13</u> .	
	Copies of the certified copies of the prior application from the International Bu See the attached detailed Office action for a list	reau (PCT Rule	17.2(a)).		Stage	
1.4) Acknowledgment is made of a claim for domesti		•		d application)	
17	a) The translation of the foreign language pro			•	п аррпсацон).	
15	i) Acknowledgment is made of a claim for domest					
Attac	hment(s)					
2)	Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	4) 5) 6)	Notice of Informal	y (PTO-413) Paper No Patent Application (P1		



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DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the magnetic piece fitted into the recess portion provided at the bottom portion of the enclosed container of claim 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. The elected species of Fig. 3 shows the magnetic piece (5) fitted on the outside of the container rather than fitted into the recess (8) as claimed.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 18 depends from claim 7 which recites the magnetic piece being fitted into the recess portion which would be inside the enclosed container whereas claim 18 fits the magnetic piece on the convex portion outside of the container which is not consistent.

Claim 18 recites the limitation "the enclosed retainer" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.



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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action;

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino (Fig. 1) in view of any of Maranville (Fig. 2), Miyata (Fig. 2) and Pollier (Fig. 3). Ogino shows a compressor having a compressing mechanism (1) incorporated in an enclosed container (2) and having a concave portion at the bottom portion of the enclosed container for collecting foreign matter, and includes a magnetic piece (5) at the bottom portion. The claims differ from the primary reference by reciting a recess portion provided at the bottom portion of the enclosed container, the recess portion having an action of collecting foreign matter. Recess portions at the bottom of enclosed containers for collecting foreign matter are well known in the art. Thus, Maranville (12), Miyata (12) and Pollier (29) all teach a recess portion having an action of collecting foreign matter being provided at the bottom portion of an enclosed container. It would have been obvious to one having ordinary skill in the art to provide the bottom portion of the container in Ogino with a recess portion, as taught by any of Maranville, Miyata and Pollier, to collect foreign matter at the bottom portion.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino in view of either Miyata or Pollier. The secondary references further show a magnetic piece (R in Miyata and 16 in Pollier) fitted into the recess portion. It would have been



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obvious to one having ordinary skill in the art to provide Ogino with a magnetic piece fitted into the recess portion at the bottom portion of the enclosed container, as shown by either Miyata or Pollier, to assist in collecting foreign matter into the recessed portion.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino in view of either Miyata or Pollier as applied to claim 7 above, and further in view of Farnelli (Fig. 5). The claim adds that the magnetic piece is fitted on a convex portion of the bottom portion of the enclosed container. Farnelli shows a magnetic piece (32) fitted on a convex portion on the outside of an enclosed container to assist in collecting foreign matter in the bottom portion of the container. It would have been obvious to one having ordinary skill in the art to fit the magnetic piece of Ogino, as modified by either Miyata or Pollier, on the outside of the enclosed container to facilitate attachment of the magnetic piece to the container.

Response to Arguments

Applicant's arguments with respect to claims 6, 7, 17 and 18 have been considered but are most in view of the new ground(s) of rejection.

Election/Restrictions

Claims 3, 8-14 and 16 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 7.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP



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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Vrablik whose telephone number is (703) 308-2629. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion can be reached on (703) 308-2623. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.



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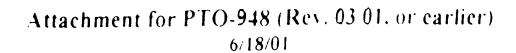
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

Jakuf Mall!

John J. Vrablik Primary Examiner Art Unit 3748

jjv December '

December 28, 2001



The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therem Identifying indicia, if provided, should include the file of the invention inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1 136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, MUST be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings MUST be approved by the examiner before the application will be allowed. No changes will be permitted to be made other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a)

Failure to take corrective action within the set period will result in ABANDONMENT of the application